



**STATE OF NEW JERSEY**

**Board of Public Utilities**

*Two Gateway Center*

*Newark, NJ 07102*

*www.bpu.state.nj.us*

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST )  
OF NEW JERSEY, LLC FOR A RENEWAL ) RENEWAL  
CERTIFICATE OF APPROVAL TO CONTINUE ) CERTIFICATE OF APPROVAL  
TO CONSTRUCT, OPERATE AND MAINTAIN )  
A CABLE TELEVISION SYSTEM IN AND FOR )  
THE BOROUGH OF ROSELLE PARK, COUNTY )  
OF UNION, STATE OF NEW JERSEY )

DOCKET NO. CE04030154

**SERVICE LIST ATTACHED**

BY THE BOARD<sup>1</sup>:

On November 2, 1977, the Board granted Suburban Cablevision ("Suburban") a Certificate of Approval in Docket No. 771C-6248 for the construction, operation and maintenance of a cable television system in the Borough of Roselle Park ("Borough"). On March 12, 1993, the Board approved the renewal of Suburban's Certificate of Approval in Docket No. CE92070776. On November 30, 1994, the Board approved the acquisition of the shares of the parent company of Suburban Cablevision, Maclean Hunter, Inc., by Comcast MH Holdings, Inc. in Docket No. CM94080365. The company was then known as Comcast Cablevision of New Jersey, Inc. ("Comcast New Jersey"). On January 24, 2003, Comcast New Jersey notified the Board that it would now operate as a limited liability company, Comcast Cablevision of New Jersey II, LLC ("Comcast New Jersey LLC"). On September 9, 2003, Comcast New Jersey LLC notified the Board that it would now be known as Comcast New Jersey II, LLC ("Petitioner"). Although the Petitioner's above referenced Certificate expired on November 2, 2002, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on February 1, 2002, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted a municipal ordinance granting renewal consent to the Petitioner on December 29, 2003. On January 9, 2004, the Petitioner formally accepted the terms and

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<sup>1</sup> Commissioner Frederick F. Butler did not participate in the deliberation or the vote on this matter.

conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24. On February 19, 2004, the Borough amended its ordinance to clarify some of the commitments made by the Petitioner. On March 1, 2004, the Petitioner accepted the amended ordinance.

On March 5, 2004, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance and amended municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 15 years with an automatic renewal provision for a term of ten years thereafter pursuant to N.J.S.A. 48:5A-19 and -25. The Board finds these periods to be of reasonable duration.
5. The Borough may review the performance of the Petitioner with regard to the ordinance by the end of the fifth, tenth and 15<sup>th</sup> year of the initial consent term and, if such term is authorized, during the fifth year of the automatic renewal term, as specified in the ordinance. The Petitioner shall write to the Borough at the times stipulated in the ordinance advising the Borough of its rights to review. Any review shall be completed within six months of the initiating letter sent by the Petitioner. If the Borough determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Borough shall provide written notice to the Petitioner of such alleged instances of non-compliance and shall grant the Petitioner 90 days to cure such deficiency. The Borough may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, only after the 90-day opportunity to cure has passed and the deficiency has not been cured.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.

7. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Borough. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 800 Rahway Avenue, Union, New Jersey.
9. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall provide service along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installation. In all other circumstances, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.
11. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall continue to provide residents with a system-wide public access channel maintained by the Petitioner. Qualified individuals and organizations may utilize public access for the purpose of cablecasting non-commercial access programming in conformance with the Petitioner's published public access rules.
12. The Petitioner shall continue to provide the Borough with one dedicated local municipal access channel maintained by the Petitioner for use by the Borough and its designees for non-commercial governmental and educational programming.
13. Within 12 months of the date of issuance of this Certificate, the Petitioner shall, at its sole expense, provide the following benefits to the Borough:
  - a. Construct a fiber optic line to run from the Borough High School Field House to the Borough High School. The Petitioner shall install and maintain, at no cost to the Borough, a cable outlet for a television monitor (monitor not included) at the field house and provide free basic monthly cable service;

- b. Redirect the existing fiber optic line between the Borough High School and the Petitioner's Roselle's node to between the Borough High School and the master control in the Borough Hall, including a transmitter and receiver. The Petitioner shall also provide, install and maintain one rack mount;
- c. Construct and maintain a fiber optic return to allow programming to originate from the Signorella Youth Center to the master control in the Borough Hall;
- d. Provide, install and maintain two transmitters; two receivers; one rack mount; two splice boxes; and fiber jumpers as required for the above returns.

Upon completion of the above specified terms of this provision, the Petitioner shall submit proof to the Office of Cable Television indicating its compliance with this provision.

- 14. Within six months of the date of issuance of this Certificate, the Petitioner shall provide to the Borough a one time capital contribution in amount of \$45,000.00 for the purpose of purchasing access channel equipment. Upon completion of this provision, the Petitioner shall submit proof to the Office of Cable Television indicating its compliance with this provision.
- 15. The Petitioner also maintains fully equipped operational local production studios in Union Township and Woodbridge Township for the creation of local and access programming.
- 16. The Petitioner shall provide or continue to provide the standard installation and basic service, free of charge, to one outlet at each public and private elementary and secondary school that exists or may be constructed within the Borough, provided that the facility is within 200 feet of activated cable distribution plant. Each additional outlet, if any, shall be paid for by the school requesting service, on a materials plus labor basis. The Petitioner shall provide a signal of sufficient strength to feed all classrooms. Monthly service charges shall be waived on all additional outlets.
- 17. The Petitioner shall provide or continue to provide free installation and basic cable service on one outlet in the municipal building, police department, fire department, first aid squad, library, senior citizen center, historical museum, and public works building that is located or may be constructed within the Borough, provided that the facility is within 200 feet of activated cable distribution plant.

The Petitioner shall provide free basic service to one outlet on up to five additional municipally owned buildings that are located or may be constructed in the Borough, provided that the facility is within 200 feet of activated cable distribution plant. Each additional outlet installed, if any, shall be paid for by the requestor, on a materials plus labor basis. Monthly service charges shall be waived on all additional outlets.

18. The Petitioner shall provide free basic Internet service, via high-speed cable modem, to one non-networked personal computer in each school and public library that may be constructed in the Borough, provided that the facility is within 200 feet of activated cable distribution plant. The Internet connection shall be installed on a computer that is accessible for student and library patron use, and may not be installed on a computer that is reserved for administrative use only.
19. Upon reasonable written request of the Borough, the Petitioner shall appear at a public hearing of the governing body or before the Borough's cable television advisory committee, at least once annually, to review all matters pertaining to the provision of cable service to the residents of the Borough and other related issues.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on November 2, 2017.

DATED: **May 12, 2004**

BOARD OF PUBLIC UTILITIES  
BY:

***SIGNED***

\_\_\_\_\_  
JEANNE M. FOX  
PRESIDENT

***SIGNED***

\_\_\_\_\_  
CAROL J. MURPHY  
COMMISSIONER

***SIGNED***

\_\_\_\_\_  
CONNIE O. HUGHES  
COMMISSIONER

***SIGNED***

\_\_\_\_\_  
JACK ALTER  
COMMISSIONER

ATTEST:

***SIGNED***

KRISTI IZZO  
SECRETARY

**APPENDIX "I"**  
**OFFICE OF CABLE TELEVISION**  
**LINE EXTENSION POLICY**

**COMCAST OF NEW JERSEY II, LLC**  
**BOROUGH OF ROSELLE PARK**

A cable operator is required to absorb the cost of extensions to the system in the same proportion that the extension is to the remainder of the system.

Actual subscribers served by the extension are required to absorb the remainder of the cost.

If new subscribers are added to the extension the cost is adjusted and those who previously paid receive an appropriate rebate.

- |                                                                                                          |   |                                                                                                               |
|----------------------------------------------------------------------------------------------------------|---|---------------------------------------------------------------------------------------------------------------|
| 1. $\frac{\text{\# of homes in extension}}{\text{mileage of extension}}$                                 | = | homes per mile (HPM) of extension                                                                             |
| 2. $\frac{\text{HPM of extension}}{\text{Minimum HPM that company actually constructs in the system}^*}$ | = | ratio of the density of the extension to the minimum density which the company constructs in the system ("A") |
| 3. Total cost of building the extension times "A"                                                        | = | company's share of extension cost                                                                             |
| 4. Total cost of building extension less company's share of extension cost                               | = | total amount to be recovered from subscribers                                                                 |
| 5. $\frac{\text{Total amount to be recovered from subs}}{\text{Total subscribers in extension}}$         | = | each subscriber's share                                                                                       |

In any case, the company shall extend its plant along public rights of way to:

1. All residences and businesses within 150 aerial feet of the operator's existing plant at no cost beyond the normal installation rate.
2. All residences and businesses within 100 underground feet of the operator's plant at no cost beyond the normal installation rate.

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\* The minimum HPM that the company actually constructs in the system or municipality is the minimum number of homes that the company has historically constructed at its own cost. This is a function of the operator's break-even point and its rate of return. Unbuilt systems will use the primary service area rather than construction.

The operator's installation policies shall apply to construction beyond the public right of way.

Detailed accounting and/or financial information to support the minimum HPM shall be supplied to the Office for its approval in such form as required. The minimum HPM shall be updated as appropriate.

When a request for service is received, and unless good cause is shown, cable companies shall:

1. Provide a written estimate within 30 days of such a request.
2. Begin construction within 60 days of receipt of any deposit monies from potential subscribers.
3. Complete construction within six months of receipt of any deposit monies from potential subscribers.
4. Inform each home passed along the extension of the potential costs for subscribers.

Subscribers who pay for an extension shall be entitled to rebates in the following manner:

1. If the company acquires new subscribers subsequent to the initial calculation of step 5 above, the formula will be adjusted and those who have previously paid for the extension will be entitled to an appropriate rebate. In no event shall the amount of the rebate exceed the subscriber's contribution.
2. The company shall keep accurate records of the cost of the extension, the amounts paid by subscribers and any appropriate adjustments.
3. The company shall notify subscribers in the extension of their rights and responsibilities concerning the extension.
4. Once an individual dwelling has paid its share of the extension cost future reconnections or installations shall be made at the company's standard rates.
5. After a period of five years from the installation of the first dwelling unit in the extension no further adjustments shall be made. Installations after five years shall be at the company's standard rate.
6. Once a subscriber is installed, that person shall not normally be entitled to a refund of any monies paid for the installations, except in accordance with the rebate procedure outlined in this policy.



## **Definitions**

### Primary Service Area

The Primary Service Area (PSA) can be an entire municipality, but in many instances the PSA is a limited area within a community outside of which a line extension policy may apply. The PSA is depicted by a franchise map and narrative, presented and recorded during the franchise proceedings. It normally remains a fixed geographic area throughout the life of the franchise.

### Line Extension Survey

Potential subscribers residing outside the PSA who request service are entitled to an estimate of their share of the cost to secure service. When conducting a survey and estimating costs, a cable company should factor in all potential subscribers who could practicably be included in the extension and give consideration to apparent residential construction in areas contiguous to the proposed extension.

## **SERVICE LIST**

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